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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,886	01/23/2004	Kathleen M. Frigon	MFCP.110228	6020
45809 7590 03/29/2007 SHOOK, HARDY & BACON L.L.P. (c/o MICROSOFT CORPORATION) INTELLECTUAL PROPERTY DEPARTMENT 2555 GRAND BOULEVARD KANSAS CITY, MO 64108-2613			EXAMINER WIENER, ERIC A	
			ART UNIT 2179	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/29/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/763,886

Applicant(s)

FRIGON ET AL.

Examiner

Eric A. Wiener

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/22/2004
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-35 have been presented for examination based on applicant's disclosure filed on 1/23/2004. Claims 1-35 have been rejected by the examiner.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figures 3 and 4A contain typographical errors that could lead one to potentially misinterpret their meanings. In 302 of Figure 3 and 402 of Figure 4A, "providing" is misspelled as "proving." It is believed that the correct interpretation of these words is essential to understanding the drawings. Therefore, Applicant is required to correct the errors by submitting corrected drawings in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1 – 27 are rejected under 35 U.S.C. 101 because the claimed inventions are directed to non-statutory subject matter.

Independent claim 1 is nonstatutory, because the language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological environment or machine that would result in a practical application producing a concrete, useful,

and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. The claim requires the addition of a tangible hardware element to produce a tangible result.

Claims 2 – 14 depend on claim 1 and are nonstatutory for the same reason as claim 1.

Independent claim 15 is nonstatutory, because a graphical user interface, per se, is not tangibly embodied in such a manner so as to be executable. The claim should be directed to a computer-readable storage medium storing said graphical user interface in order to be tangibly embodied. Further, a collection of “areas,” per se, is nonfunctional descriptive material. Thus, the language of the claim raises a question as to whether the claim is directed merely to an abstract idea.

Claims 16 – 27 depend on claim 15 and are nonstatutory for the same reason as claim 15.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1 – 35 are rejected under 35 U.S.C. 102(a) as being anticipated by “Simplifying the Management of Large Photo Collections” by Girgensohn et al.

As per independent claim 1, Girgensohn discloses *a method for presenting a set of items to a user comprising:*

- *dividing said set of items into one or more groups according to a selected characteristic (page 2, column 2, paragraph 3)*

- *presenting at least a portion of said set of items in accordance with said groups* (page 3, column 1, paragraph 2);
- *presenting a listing of said groups* (page 3, column 1, paragraph 1); *and*
- *indicating which of said groups contain one or more items currently visible to the user* (page 6, column 2, paragraph 3, lines 13 – 19).

As per independent claims 15 and 28, Girgensohn discloses *a graphical user interface embodied on one or more computer-readable media and a computer system for presenting a plurality of items to a user, both comprising:*

- *an item presentation area which displays at least a portion of a set of items to a user* (page 3, column 1, paragraph 2), *wherein said set of items is presented in one or more groups according to a selected characteristic* (page 2, column 2, paragraph 3) *and*
- *a table of contents area which displays a listing of said groups* (page 3, column 1, paragraph 1) *and which further displays an indicator showing which of said groups contain one or more items currently visible in said item presentation area* (page 6, column 2, paragraph 3, lines 13 – 19).

As per claims 2, 16, and 29 and taking into account the rejection of claims 1, 15, and 28, respectively, Girgensohn further discloses that *one or more of the presented items are digital images* (page 1, Abstract).

As per claim 3 and taking into account the rejection of claim 2, Girgensohn further discloses that *at least one of the digital images is a digital photograph* (page 1, Abstract).

As per claims 4 and 17 and taking into account the rejection of claims 1 and 15, respectively, Girgensohn further discloses that *said selected characteristic is a creation time or*

other associated date and/or time within a desired interval of time (page 2, column 1, paragraph 5, lines 10 – 12).

As per claims 5 and 18 and taking into account the rejection of claims 1 and 15, respectively, Girgensohn further discloses that *said selected characteristic is storage in a desired folder* (page 2, column 1, paragraph 5, lines 4 – 7), wherein it is obvious that the application could also be designed to process and group photos from a single directory.

As per claim 6, and taking into account the rejection of claim 1, Girgensohn further discloses that *said selected characteristic is associated with one or more desired keywords* (page 6, column 2, paragraph 2).

As per claims 7, 20, and 30 and taking into account the rejection of claims 1, 15, and 28, respectively, Girgensohn further discloses that *the listing of said groups includes information associated with the contents of the groups* (page 6, column 2, paragraph 2, line 1 – paragraph 3, line 4).

As per claim 8, and taking into account the rejection of claim 7, Girgensohn further discloses that *said information includes date and/or time information* (page 6, column 2, paragraph 2, line 1 – paragraph 3, line 4), wherein each node displays tag information corresponding to the time/date.

As per claim 9, and taking into account the rejection of claim 7, Girgensohn further discloses that *said information includes storage location information* (page 6, column 2, paragraph 2, line 1 – paragraph 3, line 4), wherein each node displays tag information corresponding to an associated label, and thus, in the art of viewing collections of items from a storage location, an obvious label would be the storage location itself.

As per claim 10, and taking into account the rejection of claim 7, Girgensohn further discloses that *said information includes associated keyword information* (page 6, column 2, paragraph 2, line 1 – paragraph 3, line 4), wherein each node displays tag information corresponding to its associated keywords.

As per claims 11, 21, and 31 and taking into account the rejection of claims 1, 15, and 28, respectively, Girgensohn further discloses that *the listings of said groups includes information associated with said selected characteristic* (page 6, column 2, paragraph 2, line 1 – paragraph 3, line 4).

As per claims 12, 22, and 32 and taking into account the rejection of claims 1, 15, and 28, respectively, Girgensohn further discloses that *indicating which of said groups contain one or more items are currently visible to the user includes presenting a visual indicator element with the listing of said groups* (page 6, column 2, paragraph 3, lines 13 – 17).

As per claims 23, and 33 and taking into account the rejection of claims 22 and 32, respectively, Girgensohn further discloses that *said indicator displays the extent to which the groups having currently visible items are presented in the items presentation area* (page 6, column 2, paragraph 3, lines 13 – 17).

As per claims 13, 24, and 34 and taking into account the rejection of claims 1, 15, and 28, respectively, Girgensohn further discloses *indicating volume information related to the number of items in at least one of said groups* (page 6, column 2, paragraph 3, lines 13 – 17).

As per claims 14, 25, and 35 and taking into account the rejection of claims 13, 24, and 34, respectively, Girgensohn further discloses that *indicating volume information includes*

presenting one or more volume meters with the listing of said groups (page 6, column 2, paragraph 3, lines 13 – 17).

As per claim 26 and taking into account the rejection of claim 15, Girgensohn further discloses that *said table of contents area is configured to receive a user input selecting a listing associated with a selected group* (page 6, column 2, paragraph 3, lines 1 – 4).

As per claim 27 and taking into account the rejection of claim 26, Girgensohn further discloses that *said user input causes at least a portion of the content of said selected group to be displayed in the item presentation area* (page 6, column 2, paragraph 3, lines 1 – 10).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The cited documents represent the general state of the art.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Wiener whose telephone number is 571-270-1401. The examiner can normally be reached on Monday through Thursday from 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Eric Wiener
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PRIMARY EXAMINER